

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LEO WALES

PETITIONER

V.

CIVIL ACTION NO. 3:19-CV-91-DPJ-LRA

BARBARA JAMES

RESPONDENT

ORDER

This petition for habeas corpus is before the Court on the Report and Recommendation [12] of Magistrate Judge Linda R. Anderson. Judge Anderson recommended granting Respondent's motion to dismiss [10] the petition as time barred under 28 U.S.C. § 2244(d), the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA). Wales did not file an objection, and the time to do so has passed.

The AEDPA imposes a one-year statute of limitations on state prisoners filing federal habeas petitions, subject to tolling for a properly filed application for collateral review in state court. Wales's conviction became final on October 27, 2011, so to toll the statute of limitations, he was required to properly file a motion for post-conviction relief in state court before October 29, 2012. R&R [12] at 4. Wales did not file an application for post-conviction relief until July 30, 2018, so the AEDPA's one-year statute of limitations ran uninterrupted. *Id.* His federal petition, filed February 4, 2019, is untimely.

The Court adopts the unopposed Report and Recommendation [12]. Respondent's motion to dismiss [10] is granted. The petition is dismissed with prejudice. A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 20th day of December, 2019.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE